

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 10, 19, and 26 have been amended. Claims 33-40 have been canceled. No claims have been added. Thus, claims 1-32 are pending.

### DOUBLE PATENTING

Claims 1-9 and 19-25 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-12 of Application No. 12/976,099 (*Green*). Because this is a provisional rejection and there are outstanding Office Actions for both applications, the scope of the claims for one or both of these cases may change. Therefore, Applicants will provide a terminal disclaimer, if necessary, when the rejection is no longer provisional.

### CLAIM REJECTIONS – 35 U.S.C. § 102(e)

Claims 1, 8, 10 and 17 were rejected as being anticipated by U.S. Patent No. 7,085,497 issued to Tiemann, et al. (*Tiemann*). For at least the reasons set forth below, Applicants submit that claims 1, 8, 10 and 17 are not anticipated by *Tiemann*.

The independent claims recite operation on a received OFDM signal. *Tiemann* does not disclose use of a OFDM signal. Therefore, *Tiemann* cannot anticipate the invention as recited in the claims 1, 8, 10 and 17.

### CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 2-7, 9, 11-15 and 18-40 were rejected as being unpatentable over *Tiemann* in view of U.S. Patent No. 6,094,285 issued to Wickham, et al. (*Wickham*). For at least the reasons set forth below, Applicants submit that claims 2-7, 9, 11-15 and 18-40 are not rendered obvious by *Tiemann* and *Wickham*.

*Wickham* is cited to teach use of a diffraction grating. Whether or not *Wickham* discloses a diffraction grating, *Wickham* does not cure the deficiencies of *Tiemann* set forth above. Therefore, combination of *Tiemann* and *Wickham* would not result in the claimed invention and use of a diffraction grating would be different than that recited in the claims. Therefore, no combination of *Tiemann* and *Wickham* teaches or suggests the invention as recited in the claims.

Claim 16 was rejected as being unpatentable over *Tiemann* and *Wickham* in view of *Adachi*. *Adachi* is cited to teach symbol wave shaping and IQ modulating. Whether or not *Adachi* discloses teach symbol wave shaping and IQ modulating, *Adachi* does not cure the deficiencies of *Tiemann* and *Wickham* set forth above. Therefore, no combination of *Tiemann*, *Wickham* and *Adachi* teaches or suggests the invention as recited in the claims.

#### CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-32 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number  
02-2666.

Respectfully submitted,  
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